

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

FEB 19 2019

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 1:19CV18

(Judge Kleeh)

BARBARA ARBLE, and
HARRY ARBLE,

Defendants.

STIPULATED CONSENT DECREE AND FINAL JUDGMENT

THIS CAUSE comes before the Court upon the United States' request that the Court enter an agreed-upon Stipulated Consent Decree and Final Judgment. Plaintiff, the United States of America, brought this action against Barbara and Harry Arble pursuant to the Fraud Injunction Statute, 18 U.S.C. § 1345. Plaintiff's Complaint alleged Defendants were violating or were about to violate 18 U.S.C. §§ 1341 and 1343 by executing a scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent representations with the intent to defraud, using the United States Mail and interstate and foreign wire communications.

Defendants agree to waive service of the Summons and the Complaint.

Plaintiff and Defendants, *pro se*, wish to resolve Plaintiff's allegations without litigation, and jointly request and consent to the entry of this Stipulated Consent Decree and Final Judgment ("Consent Decree") without Defendants' admission of liability or wrongdoing.

Defendants have entered into this Consent Decree freely and without coercion. Defendants further acknowledge that Defendants have read the provisions of this Consent Decree, understand them, and are prepared to abide by them.

Each party to this Consent Decree agrees to bear its own costs and fees incurred in connection with this action.

IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

1. This Court has jurisdiction over this matter and the parties pursuant to 18 U.S.C. § 1345 and 28 U.S.C. §§ 1331 and 1345. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and (2).

2. Defendants neither admit nor deny the allegations in the Complaint. Only for purposes of this action, Defendants admit the facts necessary to establish jurisdiction.

3. For purposes of this Consent Decree:

- a. “Defendants” means Barbara and Harry Arble.
- b. “Person” means an individual, a corporation, a partnership, or any other entity.
- c. “Funds” include any currency, check, money order, stored value card, stored value card numbers, bank wire transmission, or other monetary value.
- d. “Prize promotion fraud” means a plan, program, promotion, or campaign that is conducted to mislead a prospective victim or victims to believe that they have won, or may or will win or receive, a sweepstakes, contest, lottery, prize, inheritance, money, property, or other thing of value, contingent on the victim providing, or providing a means of accessing or obtaining, any fee.
- e. “Money transmitting business” refers to a person who, for a fee, receives funds from one person for the purpose of transmitting the funds, or providing access to the funds, to another person.

f. "Fee" refers to a payment or compensation of any kind regardless of how the payment or compensation is labeled, including but not limited to processing fees, service fees, expediting fees, purchase fees, nominal fees, symbolic payments, gifts and gratuities.

4. Upon entry of this Decree, Defendants are permanently prohibited and enjoined from, directly or indirectly, assisting, facilitating, or participating in:

- a. any prize promotion fraud; and
- b. any money transmitting business.

5. Within five (5) days after entry of this Consent Decree, the Defendants are ordered to submit to Postal Inspector Ryan Amstone a written acknowledgement of receipt of this Consent Decree. Defendants shall submit the written acknowledgement by U.S. Mail to:

U.S. Postal Inspector Ryan Amstone
U.S. Postal Inspection Service
200 Cava Drive
Clarksburg, WV 26301-9910

6. The Consent Decree shall not be modified except in writing by Plaintiff and the Defendants, and subject to approval by the Court.

7. This Consent Decree shall constitute a final judgment and order in this action.

8. This Court retains jurisdiction of this action for the purpose of enforcing or modifying this Consent Decree and for the purpose of granting such additional relief as may be necessary or appropriate.

SO ORDERED.

DATED: 2/19/19


UNITED STATES DISTRICT JUDGE

We hereby consent to the entry of the foregoing Decree:

FOR DEFENDANTS

Barbara Arble

BARBARA ARBLE

Harry Arble

HARRY ARBLE

FOR PLAINTIFF

WILLIAM J. POWELL
UNITED STATES ATTORNEY

By:

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